

No. 10100-4Lab-73/34169.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the Management of M/s Mohinder Singh and Associates, 15/3, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 14 of 1973

between

SHRI JAGDISH SINGH WORKMAN AND THE MANAGEMENT OF M/S MOHINDER SINGH
AND ASSOCIATES, 15/3, MATHURA ROAD, FARIDABAD

Present :

Nemo for the workman.

Shri R. C. Sharma for the management.

AWARD

The following dispute between the management of M/s Mohinder Singh and Associates, 15/3, Mathura Road, Faridabad and its workman Shri Jagdish Singh was referred for adjudication to this Tribunal,—*vide* order No. ID/FD/72/10609, dated 14th March, 1973 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jagdish Singh was justified and in order ? If not, to what relief is he entitled ?

Usual notices were given to the parties. The workman concerned has not turned up nor his authorised representative. The management has pleaded that as a matter of fact this workman had remained absent from duty with effect from 15th January, 1972 onwards and after waiting his name struck off the rolls with effect from 31st October, 1972. It has further been pleaded that the present demand was never raised direct on the management and rejected by it so as to constitute an industrial dispute. Shri R. C. Sharma, authorised representative of the management has sworn testimony to the above facts.

I have heard the learned representative of the management and considered the facts on record. The workman concerned has not come forward himself or through authorised representative of the union through whom the demand notice leading to the present reference was given. The presumption is that he is not interested in the reference. There is nothing on the record to indicate that the demand had first been raised on the management and rejected by it so as to constitute an industrial dispute within the meaning of the law as laid down by the Hon'ble the Supreme Court in Sindhu Resettlement Corporation case. There is further no reason to disbelieve the plea raised on behalf of the management that this workman had remained absent from duty without any proper authorisation from 15th October, 1972 onwards.

In view of the above, the conclusion is irresistible that the workman concerned had himself abandoned service and further that he had not raised the demand the subject-matter of the present reference properly on the management before taking up the matter for conciliation and as such he is not entitled to any relief. The award is made accordingly. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Dated the 28th September, 1973.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1111, dated the 28th September, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 28th September, 1973.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.